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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,835

Applicant(s)

LAUPER, ERIC

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In line 6, insert --;-- after "terminals". In line 12, insert --message-- after "call". Appropriate correction is required.

Response to Arguments

2. Applicant's arguments filed January 20, 2004 have been fully considered but they are not persuasive.

Applicant argues that the examiner has no motivation to combine Shapiro with Balachandran to obtain the claimed invention. Specifically, applicant argues that Shapiro fails to disclose a set of terminals that are in a vicinity closest to a user and a second set of terminals that are predefined by the user.

The examiner, however, disagrees. Shapiro discloses that first and second sets of terminals are determined as evidenced by the fact that mobile police/security officers are assigned to and prepositioned within a protected area where they can be summoned in the event of an emergency within that protected area (col. 2, lines 51-58). The officers are known to be in the vicinity of the user because they are located in the protected area 26.

The examiner does admit that Shapiro fails to disclose wherein the second set of terminals is not predefined by the user. However, Balachandran was used to show that it is known in the art for a user to be able to alert people predefined

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by the user. The motivation would be to alert friends or family of an emergency situation the user is in.

Further, it is not necessary for Balachandran to disclose contacting first and second terminals because these limitations are already met in Shapiro. Thus, the examiner believes that Shapiro taken in reasonable combination with Balachandran reads on the claimed invention.

Regarding the official notice statements, it is noted that the applicant is not challenging that such features are well known in the, but rather believes that there is no motivation to combine the well known prior art with Shapiro, Balachandran, etc. However, the examiner provided the reasonings and motivations for making such combinations in the previous office actions.

Further, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine references is found in the knowledge generally available to one of ordinary skill in the art.

Applicant further argues that Shapiro does not disclose sending an emergency message to one or more arbitrary devices, but rather to only police officers. However, the claim language does not exclude police officers from being arbitrary devices. Thus, in essence, when the emergency message is sent

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to the police officers, it is arbitrarily sent to police officers in the vicinity of the user in distress as evidenced by the fact that if an initial officer in the vicinity of the user does not respond, another officer in the vicinity will be summoned (col. 6, lines 4-28).

Based on the above remarks, the rejection stands as set forth below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-34, 36, 39, 40, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, U.S. Patent No. 5,705,980 in view of Balachandran, U.S. Patent No. 6,073,004.

Regarding claim 1, Shapiro discloses determining a first set comprising one or more terminal and determining a second set comprising one or more terminals as evidenced by the fact that mobile police/security officers are assigned to and prepositioned within a protected area where they can be summoned in the event of an emergency within that protected area (col. 2, lines 51-58); generating an emergency call message to the terminals of said first set; wherein, if no terminal of said first set acknowledges said emergency call message, then automatically sending said emergency call message to said

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terminals of said second set, wherein said terminals of one of said first set and said second set are mobile devices part of the communication network that are in a vicinity closest to said mobile user (col. 6, lines 4-28).

Shapiro, however, fails to disclose wherein said terminals of said first set and said second set are terminals predefined by said user.

In a similar field of endeavor, Balachandran discloses an emergency call initiator. Balachandran further discloses wherein a user generates a list of people to be contacted in case of emergency (col. 3, lines 49-59 and col. 4, lines 33-44).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Shapiro with the teachings of Balachandran for the purpose informing relatives or friends about the emergency situation.

Regarding claim 2, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the mobile user generates an emergency call message by using a single control element of his mobile device (Shapiro, col. 3, lines 35-43 and col. 2, lines 38-43).

Regarding claim 3, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the emergency call message is automatically generated by an emergency call detector (Balachandran, col. 2, lines 28-45).

Regarding claim 4, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein the emergency call message contains

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at least a stored characteristic of said mobile user or a pointer to such a characteristic (col. 3, lines 12-20 and col. 6, lines 66-67).

Regarding claim 6, the combination of Shapiro and Balachandran discloses the method of claim 4, wherein said at least one characteristic is stored by said mobile user (customizable) (Balachandran, col. 3, lines 48-55).

Regarding claim 7, the combination of Shapiro and Balachandran discloses the method of claim 4, wherein said at least one characteristic is downloaded by a third party (Balachandran, col. 3, lines 44-59 and col. 4, lines 33-44).

Regarding claim 8, the combination of Shapiro and Balachandran discloses the method of claim 7, wherein said at least one characteristic is downloaded over said telecommunication network (Balachandran, col. 3, lines 44-59 and col. 4, lines 33-44).

Regarding claim 9, the combination of Shapiro and Balachandran discloses the method of claim 7 as described above.

The combination, however, fails to specifically disclose wherein said at least one characteristic is downloaded over a contactless interface at close range.

The examiner contends however, that there are many ways in which information can be downloaded, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran since such a feature is well known in the art, and such an implementation would have only taken routine skill in the art.

Regarding claims 10-18, the combination of Shapiro and Balachandran discloses the method of claim 4 as described above and further discloses the characteristic comprising the name (claim 10), blood group (claim 11), and picture (claim 18) of the user (Shapiro, col. 3, lines 12-20, col. 6, lines 66-67). Although the specific characteristics of claims 12-17 are not disclosed in the combination of Shapiro and Balachandran, such features would have been obvious to a person of ordinary skill in the art to implement to help further identify the mobile user.

Regarding claim 19, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said emergency call message is sent as an SMS message (Balachandran, col. 3, lines 19-22).

Regarding claim 20, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above, and further discloses the message sent as an SMS message. The combination, however, fails to specifically disclose wherein the emergency call message is sent as USSD message.

The examiner contends that such USSD messages are well known in the art, and are similar to SMS messages with the difference being that such messages are transmitted faster in the network, and can allow more characters to be transmitted in the message. The examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran

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with the teachings of well known prior art for the purpose of quickly notifying the network that assistance is needed.

Regarding claim 21, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above. The combination, however, fails to disclose the message sent as a GPRS packet.

The examiner contends that the GPRS service is well known in the art for sending messages. The examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of well known prior art since such services are well known in the art for transmitting messages.

Regarding claim 22, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein said emergency call message is sent as e-mail (SMS) (Balachandran, col. 3, lines 19-22).

Regarding claims 23 and 24, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above.

The combination, however, fails to disclose wherein the messages are signed or encrypted. The examiner, contends, however, that such features are well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of well known prior art for the purpose of offering a more secure system.

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Regarding claim 25, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said first set or said second set includes all mobile devices using the same base station as said mobile user (Shapiro, col. 2, lines 35-43).

Regarding claim 26, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein the position of said mobile devices within a cell of the telecommunication network is determined through a location-determining system in said telecommunication network and wherein the emergency call message is distributed first on the basis of this position indication to other mobile devices in the vicinity (Shapiro, col. 2, lines 35-67).

Regarding claim 27, the combination of Shapiro and Balachandran discloses the method of claim 26, wherein the emergency call message is distributed to mobile devices that are progressively further away from the mobile user (Shapiro, col. 6, lines 11-27).

Regarding claim 28, the combination of Shapiro and Balachandran discloses the method of claim 27, wherein the emergency call message is distributed any further until a mobile device has dispatched a confirmation (col. 6, lines 11-27).

Regarding claim 29, the combination of Shapiro and Balachandran discloses the method of claim 27, wherein the emergency call message is forwarded to the terminals predefined by said user only when all active users within a defined area have been reached (Balachandran, col. 4, lines 36-44).

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Regarding claim 30, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above. The combination, however, fails to disclose, wherein said terminals predefined by the mobile user are listed hierarchically and wherein the emergency call message is distributed progressively to all levels of this hierarchy.

The examiner, contends, however, that such a feature is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to implement such a feature for the purpose of calling the persons designated "more important" to the user first.

Regarding claim 31, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein said terminals predefined by the mobile user are stored in an identification module of the mobile user (Balachandran, col. 3, lines 49-59 and col. 4, lines 33-44).

Regarding claim 32, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said terminals predefined by the mobile user are stored in a memory area accessible from a mobile s switching center (MSC) in the telecommunication network (Balachandran, col. 3, lines 44-59).

Regarding claim 33, the combination of Shapiro and Balachandran discloses the method of claim 1 as described above. The combination, however, fails to disclose, wherein the location of said mobile user is also monitored after said emergency call message has been sent, and wherein said emergency call message is forwarded to other mobile devices in the new vicinity of the mobile user if this location changes.

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The examiner contends however, that such a feature is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to implement such a feature for the purpose of constantly dispatching or alerting other people in the vicinity of the user of the emergency situation the user is in.

Regarding claim 34, the combination of Shapiro and Balachandran discloses the method of claim 1 wherein at least one reached mobile device dispatches a confirmation to an address indicated in said emergency call message (Shapiro, col. 6, lines 21-27).

Regarding claim 35, the combination of Shapiro and Balachandran discloses the method of claim 1, the combination, however, fails to disclose wherein at least one reached mobile device dispatches a confirmation to a mobile user.

The examiner contends however, that such a feature is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to implement such a feature for the purpose of informing the mobile user that assistance is on the way.

Regarding claim 36, the combination of Shapiro and Balachandran discloses the method of claim 1, wherein said emergency call message is completed by a fixed device in said telecommunication network (Shapiro, figure 1).

Regarding claim 39, the combination of Shapiro and Balachandran discloses a device in a mobile radio network for performing the method of claim

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1, and further discloses a location-determining system for determining the position of mobile devices within at least one area of said telecommunication network, wherein it has a memory area loaded with a software program for recognizing an emergency call message from a mobile user in said area, and for distributing this emergency call message first to mobile devices in the vicinity of the mobile user (Shapiro, col. 5, line 61-col. 6, line 20), wherein the message is then distributed to terminals, predefined by said user, in the telecommunication network (Balachandran, col. 3, lines 49-59 and col. 4, lines 33-44).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Shapiro with the teachings of Balachandran for the purpose informing relatives or friends about the emergency situation.

Regarding claims 40 and 42, Balachandran discloses, inherently allowing the user to communicate with other users in non-emergency situations since it is a mobile phone which can also be used in "normal fashion" (col. 4, lines 1-4), generating an emergency call message in an emergency (col. 3, lines 19-26), automatically sending the emergency call message to arbitrary devices (inherently via emergency operator) (col. 3, lines 44-47), distributing the emergency call message to terminals predefined by said user (col. 4, lines 32-43).

Balachandran, however, fails to specifically disclose if the emergency message is first sent to mobile devices in close proximity to the emergency.

Shapiro discloses this limitation (col. 6, lines 11-14). At the time of invention, it would have been obvious to a person of ordinary skill in the art to

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modify Balachandran with the teachings of Shapiro to ensure that a user in an emergency situation is quickly responded to in the event that the emergency is life threatening.

Regarding claim 44, Shapiro discloses a method for distributing an emergency call message within a telecommunication network, wherein the emergency call message generated by a mobile user is automatically sent first to mobile devices in the vicinity (geographically closest) of the mobile user (col. 5, line 61-col. 6, line 20).

Shapiro, however, fails to disclose wherein the message is then distributed to terminals, predefined by said user, in the telecommunication network.

Balachandran, discloses this limitation (col. 3, lines 49-59 and col. 4, lines 33-44).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Shapiro with the teachings of Balachandran for the purpose informing relatives or friends about the emergency situation.

5. Claims 5, 41, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran, Shapiro and Alperovich et al (Alperovich), U.S. Patent No. 6,078,804.

Regarding claims 5, 41, 43 and 45, the combination of Shapiro and Balachandran discloses the method of claims 1, 40, 42 and 44 as described above.

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The combination, however, fails to disclose wherein characteristics of the mobile user are stored in an ID module of the user.

Alperovich discloses this limitation (col. 1, line 66-col. 2, line 2 and col. 4, line 46-col. 5, line 13). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Shapiro and Balachandran with the teachings of Alperovich since the use of SIM cards are widely used to personalize information for a specific user wherein such personalized information can be used more effectively in handling an emergency situation associated with a particular subscriber.

6. Claims 37 and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al (Alperovich), U.S. Patent No. 6,078,804 in view of Pecan et al (Pecan), U.S. Patent No. 6,466,804.

Regarding claim 37, Alperovich discloses an identification module for a mobile terminal, wherein it has a memory area for at least one characteristic of the mobile user, this characteristic being used only for emergency call messages (col. 3, line 54-col. 5, line 13).

Alperovich, however, fails to disclose a memory area for a list of terminals predefined by the mobile user and to which emergency call messages must be sent.

Pecan discloses a method and apparatus for remote multiple access to a SIM. Pecan further discloses that the use of SIM cards are vast, including storing telephone numbers supplied by the user of the SIM card (col. 1, lines 18-

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33). Further, calling the stored numbers for user purposes (i.e., emergency call, personal call, etc.) would be inherent features.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alperovich with the teachings of Balachandran for the purpose informing relatives or friends about an emergency situation.

Regarding claim 38, the combination of Alperovich and Pecen discloses the identification module of claim 37 as described above.

The combination, however, fails to disclose wherein it contains an electronic certificate with which emergency call messages can be signed. The examiner, contends, however, that such a feature is well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Alperovich and Pecen with the teachings of well known prior art for the purpose of offering a more secure system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Temica M. Davis
Examiner
Art Unit 2681

April 17, 2004


TEMICA M. DAVIS
PATENT EXAMINER


ERIKA GARY
PATENT EXAMINER